
CHAPTER 8

EMPLOYEE RELATIONS

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Introduction

This chapter deals with procedures to handle the problems that inevitably arise in any personnel system. The suggestions presented will help district supervisors minimize the loss in productivity and the general unpleasantness associated with grievances and disciplinary actions. Handling these problems in a fair and speedy manner will greatly increase the morale of district employees.

Grievance Procedure

Grievances are complaints from employees charging their employment has been directly and adversely affected by unfair treatment, unsafe working conditions, or unjust application of policies, procedures, or the law.

It should be the policy of all districts that employees be treated fairly and equitably in all respects. Those employees who feel they have not been treated in this manner should have the right to present their grievances to the appropriate officials for consideration. Employees should be allowed to present their grievances in their own behalf or through representatives of their choice. A system should be developed that will permit employees to present informal and formal complaints concerning matters which is subject to the complete or partial control of the board of supervisors.

If the grievance involves NRCS personnel, then the NRCS grievance procedure should be followed. The filing of grievances should not be considered as reflecting unfavorably on an employee's performance or loyalty.

The following example is a procedure for processing conservation district informal and formal grievances. Also refer to the Grievance Procedure section of the Sample District Personnel Policy Handbook, Exhibit 1.2, for an alternative. In the following paragraphs, "days" refer to working days and are maximum time limits.

1. Whenever possible, grievances should be resolved informally. Every effort should be made by the employee and immediate supervisor to come to an agreeable resolution of the grievance within a reasonable period of time (10 days). Complaints which the immediate supervisor does not have the authority to resolve should be referred to the district board promptly.
2. Unsuccessful attempts at an informal resolution of a complaint should be followed by a formal grievance. The employee should prepare a written statement which states the grievance, describes the remedial action being sought, and provides all information available in support of the complaint.

Upon receipt of a written grievance, the immediate supervisor should make all reasonable efforts to resolve the

complaint. If the grievance is not resolved, it should be forwarded to the chair of the district board or designee, within seven days of receipt, with a statement of efforts made to resolve the problem.

The district board should make its decision on the grievance within 15 days of receipt or, if not possible, at the next scheduled board meeting.

Standards of Conduct and Ethics

A district program cannot be effective unless it is carried out by a district staff which, in addition to being technically competent, demonstrates professional integrity in its conduct. All district employees have a responsibility to perform their assigned duties, to support their immediate supervisor and district board and to uphold the public trust in conservation districts.

All employees should be expected to maintain high standards of ethics and personal conduct. The following minimum requirements should be considered.

1. **Attendance** - Employees are expected to report for work and leave work at the time designated by the district. Planned lost time is to be arranged with the employee's supervisor in advance. Unexpected lost time is to be reported promptly to the immediate supervisor prior to the beginning of the employee's work period.
2. **Diligence During Work Period** - Employees are expected to perform assigned duties during the entire schedule for which compensation is being received, except for reasonable time provided to take care of personal needs.
3. **Work Performance** - Employees are expected to meet established performance standards. Any conditions or circumstances in the work environment which prevent an employee from performing effectively are to be reported to the immediate supervisor.
4. **Sexual Harassment** - Employees expect a workplace free from sexual harassment. Sexual harassment may consist of requests for sexual favors, unwelcome sexual advances, threats, actual bodily contact, other deliberate verbal or physical conduct of a sexual nature, or the creation of a "hostile environment" charged with unwelcomed sexual overtones. Such behavior should not be tolerated among employees. Sexual harassment is forbidden where the offending employee is in a position to affect the compensation or employment status of the person being harassed. In all cases, the district board members shall take appropriate corrective action. This rule applies equally to sexual harassment of both men and women.

5. **Outside Employment** - Employees should not engage in any outside employment or other activity which interferes in any way with the full performance of duties and responsibilities of their position.
6. **Financial Interest** - Employees should not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with the duties and responsibilities of a district employee or engage in a financial transaction that results from information obtained through employment.
7. **Property Usage** - Employees should not use or allow the use of district, state or federal property of any kind for other than officially approved activities.
8. **Official Information** - Employees should not use or allow the use of official information gained through employment, which has not been made available to the general public, for furthering a private interest.
9. **Employee Debts** - Employees should not fail to pay just debts, since the creditor frequently involves the district in attempts to make restitution.
10. **Acts of Violence** - Employees should not engage in a riot or civil disorder, sheer acts of violence, cause danger to property, or injury to persons.
11. **Criminal Conduct** - Employees should not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful or other conduct prejudicial to the district.

Discipline

District employees are expected to perform and to conduct themselves in a creditable manner. For the most part, this is what occurs. However, in some cases it may be necessary to correct an employee who has not observed some standard of performance or conduct. Generally, correction is accomplished through constructive recommendation or verbal admonishment, but occasionally an employee does not respond to verbal correction and a more serious and impressive form of administrative action is needed.

Employees respect, or even prefer, a supervisor who is firm yet fair in all dealings with them. Discipline, if administered in a just, prompt and consistent manner, can actually be a morale booster. Although the major purpose of discipline is to create better habits and standards of work among employees, at times separation is required in the interest of service to the public.

A personnel system based on merit provides the right of management to take necessary disciplinary action. The philosophy of merit also requires that there be "just cause" for administering the discipline. To better understand the term "just cause," consider the seven questions that follow,

which were prepared by the Denver Regional Office of the Office of Personnel Management. The answers should be examined in any *anticipated* disciplinary action.

1. Was the employer's rule or managerial order reasonably related to the orderly, efficient, and safe operation of the employer's business?
2. Did the employer give to the employee forewarning or foreknowledge of the possible or probable disciplinary consequences of the employee's conduct?
3. Did the employer, before administering discipline to an employee, make an effort to discover whether the employee did, in fact, violate or disobey a rule or order of management?
4. Was the employer's investigation conducted fairly and objectively?
5. At the investigation, did the "judge" obtain substantial evidence or proof that the employee was guilty as charged?
6. Has the employer applied the rules, orders, and penalties evenhandedly and without discrimination to all employees?
7. Was the degree of discipline administered by the employer in a particular case reasonably related to:
 - a. the seriousness of the employee's proven offense and
 - b. the record of the employee with the employer?

If it is determined that just cause exists, the following disciplinary actions should be taken:

Get all the facts. Get a complete statement from all persons involved. Review the employee's record for previous related offenses. Consider whether statements of the employee have been influenced by opinions or feelings. If there are inconsistencies in the evidence or insufficient facts, investigate further. Decide on a course of action. Determine seriousness or actual existence of the offense and how discipline should be administered, if appropriate.

Take action. The following are suggestions of action which could be taken. The final decision should always be made by the district board, or their designee.

- a. Charges dropped: Notify employee in writing.
- b. Verbal reprimand: Speak privately with employee. Be firm but considerate and understanding. Be specific.
- c. Written reprimand: Be specific. Cite appropriate rules or regulations.
- d. Removals, Suspensions, Fines, Demotion: Be sure there is a sound basis for the action. Prepare written notification. Serve charges on employee.

Evaluate results. Determine whether the action taken has achieved the desired results.

The district board should have full knowledge of all

disciplinary actions that are taken. Except for minor verbal or written reprimands, the district board should be fully involved in at least steps 2 and 3 on the previous page.

Written Notifications

Simple justice requires that employees who are to be disciplined be given advance notice of such action and be given the opportunity to reply in advance of the imposition of the penalty. It is a principle of good management that employees clearly understand the reason for discipline. This understanding can best be accomplished by a written notice of disciplinary action.

Exhibits 8.3 - 8.5 of this chapter are letters that can be used as guides in developing notices of disciplinary actions. The following checklist can be used to ensure that the employee is treated fairly and understands the reasons for the action.

1. Is the notification specific as to the rule, regulation, or policy that was violated?
2. Does the notification clearly state that the employee can present a defense?
3. Is the employee given sufficient time to respond? (at least 10 working days)
4. Does the notice state to whom the defense should be directed?
5. Does the notice state the effective date of the disciplinary action?

To ensure that a disciplinary action notice is received by the employee, it should be delivered by hand or mailed "Certified Mail - Return Receipt Requested."

EXHIBIT 8.2 CHECKLIST FOR DISCIPLINARY ACTION

ITEM	COMPLETED
<hr/> KS CD HDBK	<hr/> JUNE, 2000
<hr/> PER 8:8	

1. Gather the facts: Get statements from those involved and make sure the employee has the same understanding of the job that the supervisor has. _____
2. Weigh the evidence: Look for specific cases not generalities. _____
3. Determine the course of action: Determine reasons for poor performance and seriousness of offense. _____
4. Written notification: Any disciplinary action should be presented to the employee in advance of action. A written notice should be sent to the employee stating the offense, explaining the district's concerns and allowing the employee enough time to define his actions. _____
5. Take action:
 - a. Drop action
 - b. Verbal reprimand
 - c. Written reprimand
 - d. TerminationWhatever the action, document and file in employee's file. Always adhere to current district personnel policies. _____
6. Evaluate results: Does the action taken achieve the correct results? If not, stronger action should be taken. _____

EXHIBIT 8.3 EXAMPLE LETTER OF REPRIMAND

123 4th Street
Gladville, Kansas 66666

HAPPY COUNTY CONSERVATION DISTRICT

January 23, 1996

Mr. Edward Smith
PO Box 307
Elm City KS 66665

Dear Mr. Smith:

This is a letter of reprimand for your being absent from duty on January 13, 1996 without officially approved leave. You failed to request leave from your immediate supervisor as required by district policy and did not report your absence to the district office during that period.

You previously received a verbal reprimand regarding other unauthorized absences from duty. At that time, your immediate supervisor reviewed district policy with you regarding leave.

While I am limiting disciplinary action in this instance to a written reprimand, this letter will serve as a warning that further unauthorized absences from duty may result in more severe disciplinary action.

Sincerely,

Earnest R. Wiseman
Chairperson

EXHIBIT 8.4 EXAMPLE LETTER OF SUSPENSION

123 4th Street
Gladville, Kansas 66666

HAPPY COUNTY CONSERVATION DISTRICT

July 8, 1996

Mr. Edward Smith
PO Box 307
Elm City KS 66665

Dear Mr. Smith:

This letter is to notify you that you will be suspended from duty without pay for three (3) workdays because of your absence from duty on June 23 and 24, 1996, without officially approved leave. You failed to request leave from your immediate supervisor as required by district policy and did not report your absence to the district office during that period.

You have been verbally warned about your attendance record. On January 23, 1996, you were issued a written reprimand regarding your unauthorized absences. Continued absences in this manner may result in the termination of your employment.

Unless you can present evidence supporting why I should not take this action, your suspension will begin July 28, 1996, and end July 30, 1996, at the close of business. If you desire to present evidence to me in your behalf, you can arrange to meet with me by calling 555-1222 or 555-1698.

Sincerely,

Earnest R. Wiseman
Chairperson

EXHIBIT 8.5 EXAMPLE LETTER OF TERMINATION

123 4th Street
Gladville, Kansas 66666

HAPPY COUNTY CONSERVATION DISTRICT

September 9, 1996

Mr. Edward Smith
PO Box 307
Elm City KS 66665

Dear Mr. Smith:

This is to notify you that your employment with the Happy County Conservation District will be terminated because of your continued absences from duty without officially approved leave, the most recent incident being the period September 2-3, 1996. You failed to request leave from your immediate supervisor as required by district policy and did not report your absence to the district office during that period. You have received sufficient warning that your continued absences without officially approved leave could result in our terminating your employment.

Unless you can present evidence supporting why I should not take this action, your termination will be effective September, 30, 1996, at the close of business. If you desire to present evidence to me in your behalf, you can arrange to meet with me by calling 555-1222 or 555-1698.

Sincerely,

Earnest R. Wiseman
Chairperson

EXHIBIT 8.6 EXAMPLE RECORD OF SEPARATION

1. NAME (last,first,middle)	2. SOCIAL SECURITY NUMBER	3. TERMINATION DATE
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		____ - ____ - ____		____ mo ____ day ____ yr	
4. POSITION TITLE		5. FORWARDING ADDRESS (For W-2)			
		Number Street		City State Zip Code	
6. REASON FOR TERMINATION (check only those items that apply)					
VOLUNTARY - (The employee is the initiating party) Attach letter of resignation from employee explaining reasons.			INVOLUNTARY - (The employer is the initiating party) Attach memo from supervisor explaining reasons.		
DATE SUPERVISOR NOTIFIED - _____			DATE EMPLOYEE NOTIFIED - _____		
VOLUNTARY QUIT ____ transportation problem ____ homemaking ____ death in family ____ health ____ moving from area: reason _____ ____ military service ____ attend school ____ going into own business ____ declined to give reason for quitting ____ failed to return from leave of absence on agreed date ____ dissatisfied with hours, job, pay, benefits, etc. ____ new job: new employer _____ starting date _____ pay rate _____ position _____ ____ early retirement - (own decision) ____ other _____ _____ _____			LAYOFF ____ lack of work ____ lack of funds ____ job or project eliminated ____ end of temporary employment ____ other RELEASED ____ failed to meet job requirements DISCHARGED ____ for misconduct RESIGNED ____ in lieu of involuntary termination RETIREMENT ____ normal ____ in lieu of involuntary termination		
7. COOPERATION AND CONDUCT ____ Excellent ____ Good ____ Average ____ Fair ____ Poor			8. JOB KNOWLEDGE AND SKILL ____ Excellent ____ Good ____ Average ____ Fair ____ Poor		
9. OVERALL PERFORMANCE IN LATEST JOB ____ Excellent ____ Good ____ Average ____ Fair ____ Poor			10. RECOMMENDED FOR REHIRE ____ Yes ____ No		
11. COMMENTS AND OBSERVATIONS _____ _____ _____					
Signature of Supervisor _____			Date _____		